

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

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| ANTHONY L. WILSON, | : | Case No. 3:12-cv-337 |
| | : | |
| Plaintiff, | : | Judge Timothy S. Black |
| | : | Magistrate Judge Michael J. Newman |
| vs. | : | |
| | : | |
| PHIL PLUMMER, <i>et al.</i> , | : | |
| | : | |
| Defendants. | : | |

**DECISION AND ENTRY
ADOPTING THE REPORT AND RECOMMENDATIONS
OF THE UNITED STATES MAGISTRATE JUDGE (Doc. 75)**

This case is before the Court pursuant to the Order of General Reference in the United States District Court for the Southern District of Ohio Western Division to United States Magistrate Judge Michael J. Newman. Pursuant to such reference, the Magistrate Judge reviewed the pleadings filed with this Court and, on May 6, 2015, submitted a Report and Recommendations. (Doc. 75). Plaintiff did not file objections.

As required by 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72(b), the Court has reviewed the comprehensive findings of the Magistrate Judge and considered *de novo* all of the filings in this matter. Upon consideration of the foregoing, the Court does determine that such Report and Recommendations should be and is hereby adopted.¹

¹ The Magistrate Judge recommended granting Defendants' motion for summary judgment and, in the alternative, dismissing this action based on Plaintiff's failure to prosecute. (Doc. 75 at 11). The Court adopts the Magistrate Judge's recommendation to grant Defendants' motion for summary judgment because the undisputed facts establish that Defendants did not deprive Plaintiff of his constitutional right of access to the courts. Accordingly, the Court does not reach the issue of whether Plaintiff's conduct also warrants dismissal for failure to prosecute.

Accordingly:

1. The Report and Recommendations (Doc. 75) is **ADOPTED**;
2. Defendants' Motion for Summary Judgment (Doc. 67) is **GRANTED**;
3. The Court certifies, pursuant to 28 U.S.C. § 1915(a)(3), that an appeal of this Order would not be taken in good faith and therefore, Plaintiff is denied leave to appeal *in forma pauperis*. He remains free, however, to apply to proceed *in forma pauperis* in the Court of Appeals; and
4. The Clerk shall enter judgment accordingly, whereupon this civil action is **TERMINATED** on the docket of this Court.

IT IS SO ORDERED.

Date: 6/23/2015

/s/Timothy S. Black
Timothy S. Black
United States District Judge